

Remarks:

Applicant has studied the Office Action dated January 26, 2006, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1, 7, 8, 20 and 25 have been amended, claims 2-6, 21-24 and 37 have been canceled, and new claims 38-50 are added. No new matter has been added. Support for the new claims and the amendments is found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Objections and §112 Rejections:

Examiner objected to and rejected the pending claims under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1, 7, 8, 20 and 25 have been amended to correct typographical errors and to more clearly recite the subject matter claimed. The Applicant respectfully submits that the objections and 112 rejections have now been overcome.

§102 Rejection(s):

Claims 1-3 and 20-21 are rejected under § 102 as anticipated by USPN 6,154,214 (Uyehara). Uyehara is directed to “an electronic reading system” which is basically designed as a “reader” for an electronic book. That is, a person can purchase a book in electronic format and read it using the reader device disclosed in Uyehara. (See Abstract, col. 1, lns. 15-30)

Referring to col. 5, ln. 65 to col. 6, ln. 36, and Figs. 17 and 18, Uyehara’s reader has a “touch screen” that allows a user to tap a displayed arrow on the screen to change the orientation of text displayed thereon. As shown and described, the reader is for the purpose of displaying text. As such, when the orientation of the text is changed from portrait to landscape, the width-height aspect ratio of the text changes.

According to the above, Uyehara teaches away from the recited invention in claim 1 for the following three reasons:

1. Uyehara is not directed to viewing images as claimed in claim 1, but is used for reading text.
2. Uyehara emphasizes the use of arrows displayed on a touch screen and does not disclose a keypad having first and second direction keys for rotating a displayed image, as recited in claim 1.
3. Uyehara teaches away from the present invention as claimed in claim 1, by teaching that the rotated image has a different width-height aspect ratio in comparison to the originally displayed image. In contrast, claim 1 recites that "the second image has the same width-height aspect ratio as the first image."

It is respectfully noted that anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art." M.P.E.P. §2125. Furthermore, anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131.

Since Uyehara fails to disclose at least one of the recited elements in the amended claim 1, a rejection under § 102 would be improper.

§103 Rejection(s):

Claims 4-9, 14-16, 22-27 and 32-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Uyehara. Claims 10-13, 19, 28-31 and 37 are rejected under § 103 in further view of USPN 6,262,769 (Anderson).

The Examiner contends that it would have been obvious to combine the image rotation method taught by Anderson with the reader of Uyehara to produce the results contemplated by the present invention. This rejection is respectfully traversed.

Anderson is directed to a method of rotating an image on a display unit of a “camera”. Since a camera cannot be used to read text data, the teachings of Anderson cannot be directly applied to Uyehara. Thus, there would be no motivation for combination of the two references.

Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining the teachings.” In re Sernaker, 217 USPQ 1, 6 (Fed. Cir. 1983). Further, it is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with specificity,¹ or alternatively provide a reference or affidavit in support thereof pursuant to MPEP §2144.03.²

It is respectfully submitted that the cited prior art references cannot be combined to teach the claimed invention. Further, even if one is modified in accordance to the teaching of the other, the resultant modification would still fail to teach, suggest, or disclose that “the user input is provided via a keypad of the mobile terminal, wherein the keypad comprises first and second direction keys, wherein the first direction key is associated with a clockwise direction of rotation and the second direction key is associated with a counter-clockwise direction of rotation, wherein pressing the first direction key causes the first image to be rotated clockwise by approximately 90 degrees, wherein pressing the second direction key causes the first image to be rotated

¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² “The rationale supporting an obviousness rejection may be based on common knowledge in the art or “well-known” prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner.”

counter-clockwise by approximately 90 degrees, and wherein the second image has the same width-height aspect ratio as the first image,” as claimed in claim 1.

For the above reasons, the invention as recited in claim 1 is distinguishable from Uyehara and Anderson, either alone or in combination.

Furthermore, with respect to claims 10-13 and 28-30, neither of the two references teach or suggest that “the display unit has a width A and a height B, and the first image has a height C and a width D, wherein the height C of the first image corresponds with the width A of the display unit, and the width D of the first image corresponds with the height B of the display unit, so that the second image has a width A and a height B, wherein C=A and D= $\frac{A^2}{B}$.” The Applicant has carefully read the cited references and is unable to find any teachings in that direction. The Examiner is invited to more particularly point out any portion of the cited references that teach the recited elements noted above, or otherwise withdraw the rejection of claims 10-13 and 28-30.

Claims 17-18 and 35-36 are rejected under section 103 as obvious over Uyehara and USPN 6,720,863 (Hull). Hull is directed to a mobile telephone with a keypad that can be illuminated in different colors such that each key and color combination represents the identity of a caller and/or the age of a message left by the caller (see Abstract).

No portion of Hull either alone or in combination with Uyehara teaches or suggests a “method of configuring an image displayed on a display unit of a mobile terminal, the method comprising rotating a first image displayed on the display unit, in a first direction relative to the display unit, to display a second image; and adjusting dimension and orientation of the second image relative to dimensions of the display unit, wherein the user input is provided via a keypad of the mobile terminal, wherein the keypad comprises first and second direction keys, wherein the first direction key is associated with a clockwise direction of rotation and the second direction key is associated with a counter-clockwise direction of rotation, wherein pressing the first direction key causes the first image to be rotated clockwise by approximately 90 degrees,

wherein pressing the second direction key causes the first image to be rotated counter-clockwise by approximately 90 degrees, and wherein the second image has the same width-height aspect ratio as the first image.”

There is no indication in the Office Action, why the two references can be combined or how such combination is possible, as the two systems are independently complex and cannot be easily modified to work with each other. Further, even if the two systems can be combined, the resultant combination will not function to accomplish the rotation and resizing operations as claimed in claim 1.

“In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’ In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

For the above reasons, the invention as recited in the amended claim 1 is distinguishable over the references cited by the Examiner. Claim 20 substantially incorporates the discussed limitations of claim 1 and therefore claims 1 and 20 should be in condition for allowance. Claims 7-19 and 25-36, respectively depending on claims 1 and 20 should also be in condition for allowance.

The limitations in the amended claims are incorporated from limitations that were present in the cancelled claims. Therefore, if the Examiner decides to perform a new search to reject the amended claims, the next Office Action cannot be made final.

With respect to new claims 38-50, claims 38, 39 and 42 are dependent on claim 1; claims 40, 41, and 43 are dependent on claim 20. New independent claim 44 and its dependent claims 45-50 substantially incorporate the elements of claim 1 and 20. Therefore, the newly added claims should be in condition for allowance for the same reasons discussed above with respect to independent claims 1 and 20.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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